

## WV SB373

### Overview of Our Water Summary

#### Directly Related

All surface PWSs must complete SWP plan by July 1, 2016.

Systems must “make every effort to engage the public, local gov, local emergency planners, local health depts, and affected residents at all levels of the plan development

The plan must include an analysis of the feasibility of a secondary intake, additional water storage, or interconnections with another utility.

The plan must also include an analysis of the feasibility of implementing an early warning monitoring system.

All PWSs serving at least 100,000 (there is only 1 system in WV) customers must install the same monitoring at ORSANCO, unless they determine that it is not feasible to implement.

Systems <100,000 must provide a monitoring system for the most important potential contaminants in their water supply, unless it's not feasible to implement.

#### Interesting – May be useful

New regulatory regime for aboveground storage tanks (ASTs) requiring, leak detection system, spill prevention response plan, and annual inspections. Annuals fees for implementing and enforcing these regs may be created (assessed). Applies to ASTs >1320 gallons.

Establishment of a PWS Study Commission to report back to the legislature on: a review of the Chemical Safety Board's recommendations, and provide recommendations on how to improve the infrastructure of existing public water systems.

### Overview of Legislation Language

Pg 9 (26) Definition of “Zone of Critical Concern” for surface supplies is a 5hr travel time to intake plus an additional ¼ mi. below the intake. The width of the zone of critical concern is 1,000 ft measured horizontally from each bank of the tributaries draining into the principal stream.

Maybe do something with our critical and priority areas that would be similar? I'm not sure how these are defined – need to talk to Sean, he indicated that old DWQ had a role in their development.

Pg12 (a) Systems have ~2yrs to create plans – no staggered compliance date - PWSs must make every effort to inform and engage the public, local governments, local emergency planners, local health departments and affected residents at all levels of the development of the protection plan.

Pg12 (b) Plans must include:

- 1 Contingency plan – planned response to contamination
- 2 Examination and analysis of the PWSs ability to isolate or divert contaminated waters from its intake and the raw water storage capacity for the WTP
- 3 Examination and analysis of PWSs ability to switch to an alternative water source or intake in the event of contamination
- 4 An analysis and examination of the PWSs existing ability to close its water intake and the duration it can keep the intake closed.
- 5 The operational info for each plant receiving water supplied from a source
- 6 An analysis and examination of the public water system's existing available storage capacity on its system
- 7 The calculated level of unaccounted for water experienced by the PWS for each surface water intake
- 8 A list of the potential sources of significant contamination contained within the zone of critical concern as provided by our counterparts
- 9 In the PWSs water supply plant is served by a single-source intake to a surface source the submitted plan shall also include an examination and analysis of the technical and economical feasibility of their options for an alternative source (new intake, interconnection, additional raw water storage)

Would we go this route? Protects quantity more than quality

This plays into differentiating requirements based on differences in systems, pop served, private/public, interconnections, # of sources.

- 10 A management plan that identifies specific activities that will be pursued by the PWS and other entities to protect its source from contamination including but not limited to: notification when water supply is impaired, surveys of the system, BMPs, purchase of property or development rights, public education.

This is similar to our comprehensive and proactive approach.

11 Communications plan that outlines how PWSs will notify local health agencies and the public of the event no later than 30 minutes after they become aware.

12 A complete list of sources of significant contamination contain within the zone of critical concern.

### SWAP

Potential source of significant contamination = facility or activity that stores uses or produces compounds with potential for significant contaminating impact of release into the source water of a PWS – -----What is significant???

13 An examination of the technical economic feasibility of implementing and early warning monitoring system

Pg16 (c) New plants have to have a plan before coming online

Pg17 (d) Commissioner shall review submitted plans. Agency has 6 months to review. Reviewer shall consult with local public health officer and conduct at least one public hearing when reviewing the plan.

Creates a timeline for review and adds public hearing component that would be very difficult.

Pg17 (e) Commissioner may request public water utility to conduct one or more studies to determine the actual risk and consequences related to any potential source of significant contamination.

\$\$\$\$ to do study. We probably wouldn't be able to do this.

Pg17 (f) Plan must be updated at least every 3 years or when there is a substantial change in the potential sources of contamination within the zone of critical concern.

How often to assess a substantial change? (annually) If so, we would need to update SWAP annually.

Pg18 16-1-9d. State funding is available

Major difference between WV and NC. \$\$\$\$\$\$

Above Ground Storage Tanks:

Pg 36 (1) Aboveground storage tanks are made to contain >1320 gallons of liquid

Pg 40 (15) Source Water Protection Area – for GW is the area within an aquifer that supplies the well within a 5 yr travel time.

Pg41 (a) The secretary will compile an inventory of all ASTs

Pg41(b) Inventory form will be created

Pg42 (f) Reasonable fee may be charged to cover cost of maintaining and overseeing the inventory and registration program.

Pg42 (g) October 1, 2014 deadline for registering ASTs

Pg46 (15) Program shall create a process and procedure for identifying any aboveground storage tanks which are located within a defined zone of critical concern for a surface water intake.

Pg51 (a) Within 180 days of article each AST owner must submit a spill prevention response plan

Pg52 (5) Provide contact information by the owner or operator of AST for nearest PWS intake and designate person to be notified in case of an AST release

Pg54 (22-30-10) AST owner must provide public notice to any PWS where the facility is located within the surface water's zone of critical protection. The notice will include detailed inventory of type and quantity of fluid stored including MSDS sheets and a copy of the spill prevention response plan along with any updates thereto.

Same as zone of critical concern as referenced above?

P58 (b) the exact location of contaminants within the zone of critical concern is not subject to public disclosure.

P64 (b) Secretary shall provide immediate notice to appropriate state and local government agencies and any affected PWS in the case of any AST that presents an imminent and substantial danger to human health, safety, water resources, or the environment.

Definition of imminent and substantial danger?

Pg70 (f) Legislature can impose additional regulatory oversight and reporting requirements for potential contaminants which are in close proximity to a public water intake.

Definition of close proximity?

Pg72 (a) Our counterparts must compile an inventory of all potential sources of significant contamination contained within the PWS's zone of critical concern for all surface PWSs

SWAP – make sure we have all pertinent PCSs

Pg 73 (b) Secretary can create new rules requiring previously unregulated PCSs to register.

This could be huge!

Pg76 (a) Owner or operator of a PCS within zone of critical concern shall (upon request)

Furnish info relating to the site and potential contaminants on site

Conduct reasonable monitoring or testing

Permit the secretary to inspect and copy records

Permit secretary to have access for corrective action

Pg77 (b) Secretary may:

Enter site of PCS

Inspect and obtain samples

Conduct monitoring or testing

Take corrective action

Pg77 (d) Secretary shall inspect PCSs in zone of critical concern of a PWS intake annually

Adds annual inspections of PCSs.....

Pg78 (22-31-9) Prohibition of general NCDES permits within a zone of critical concern for sites with ASTs

This would require working with old NPDES Section

P80 (a) Establishment of a PWS Supply Study Commission to report back on:

Review and assessment of effectiveness and the quality of info contained in updated SWPPs

Review and assessment and effectiveness of legislation in identifying and reacting or responding to identified potential sources of significant contam and increasing public awareness and participation in emergency planning and response process.

The extent of available financing and funding alternatives which are available to existing public water systems to pursue projects designed to created alternate sources of supply or increase stability of supply

Any recommendations or suggestions the Study Commission may offer to improve the infrastructure of existing public water systems.

Pg83 (lines 1-8) All surface PWSs serving >100,000 shall implement a regular monitoring system as specified to the same technical capabilities for detection as utilized by the Ohio River Valley Water Sanitation Commission (ORSANCO)

Size differentiation in requirements

So far I haven't seen any in stream monitoring, it's more of a sampling protocol sampling certain contaminants on a specified frequency

Pg83 (24-2G-2) Each PWS shall provide testing for contamination of its water supply by the following contaminants:

Salts or ions

Metals, including heavy metals

Polar organic compounds

Nonpolar organic compounds

Volatile compounds, oils and other hydrocarbons

Pesticides and

Biotoxins

Pg83 (b) Each PWS is empowered to determine at its discretion which of the contaminants listed above are most likely to contaminate their supply and shall provide monitoring system which shall detect the 3 most likely to affect their system. They must file their list with the commission.

Systems serving >100,000 from any one treatment plant is requested to test for all listed contaminants at each treatment plant. If technology to adequately detect contaminants as required by this section is not feasible to implement, the PWS shall report by January 1, 2015 with the reasons why the technology is not feasible to obtain or use and suggest alternatives

Different requirements for different size systems. Their discretion to determine the contaminants most likely to contaminate their supply????? Not feasible to implement, what criteria?